

## Appendix A

### INS DOCUMENTS THAT ESTABLISH ELIGIBILITY FOR THE VIRGINIA REFUGEE RESETTLEMENT PROGRAM

*This table shows the most commonly used forms of documentation. For more detailed information, consult ORR State Letter #00-17 in this appendix.*

Document	Description	Status
I-94	207 with codes RE-1, -2, -3, -4, -5, or V-93	Refugee
	208 with codes AS-1, -2, -3, or V-93	Asylee
	212(d)(5)	Paroled as a refugee or asylee
	AM-1, -2, or -3	Amerasian Immigrant
I-551 & I-551B	AM-6, -7, or -8	Amerasian Immigrant
	RE-6, -7, -8, or -9	Refugee or Relative
	AS-6, -7, or -8	Asylee or Relative
	CH6, HA6, or HB6	Cuban/Haitian Immigrant
	GA-6, -7, or -8	Iraqi Asylee or Relative
I-571	United States Refugee Travel Document	Refugee or Asylee
I-688B	Employment Authorization Document Marked: A03, A04, or A05	Refugee, Parolee, or Asylee
I-766	Employment Authorization Document Marked: A03, A04, or A05	Refugee, Parolee, or Asylee
Asylum Letter	Letter from INS or an immigration judge granting a decision of asylum	Asylee

INS DOCUMENTS THAT ESTABLISH ELIGIBILITY FOR THE VIRGINIA  
REFUGEE RESETTLEMENT PROGRAM

Document	Description	Status
I-94	207 with codes RE-1, -2, -3, -4, -5, or V-93	Refugee
	208 with codes AS-1, -2, -3, or V-93	Asylee
	212(d)(5)	Paroled as a refugee or asylee
	AM-1, -2, or -3	Amerasian Immigrant

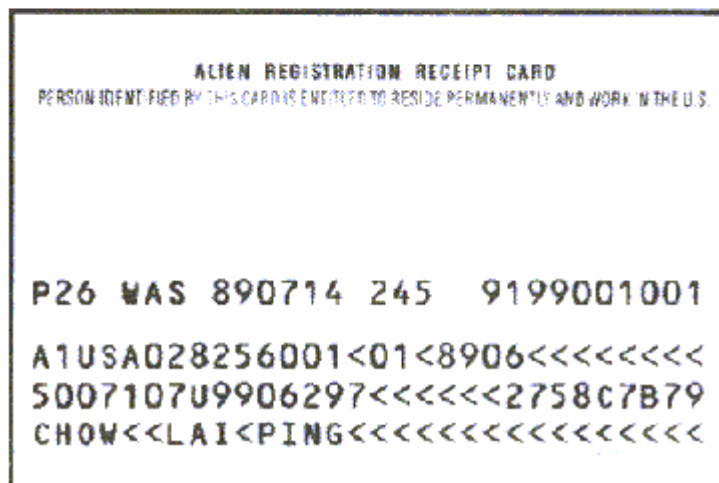
**SAMPLE I-94:**

Departure Number		SAMPLE	
742832036 01		U.S. IMMIGRATION 250 WAS	
Immigration and Naturalization Service		SEP 13 1991	
I-94 Departure Record		ADMITTED <u>B-2</u> UNTIL (CLASS)	
14. Family Name <u>DOE</u>		July 10, 1993	
15. First (Given) Name <u>JOHN</u>		16. Birth Date (Day-Mo-Yr) <u>11.04.62</u>	
17. Country of Citizenship <u>U.K.</u>			

## INS DOCUMENTS THAT ESTABLISH ELIGIBILITY FOR THE VIRGINIA REFUGEE RESETTLEMENT PROGRAM

Document	Description	Status
I-551 & I-551B	AM-6, -7, or -8	Amerasian Immigrant
	RE-6, -7, -8, or -9	Refugee or Relative
	AS-6, -7, or -8	Asylee or Relative
	CH6, HA6, or HB6	Cuban/Haitian Immigrant
	GA-6, -7, or -8	Iraqi Asylee or Relative

**SAMPLE OF I-551:**

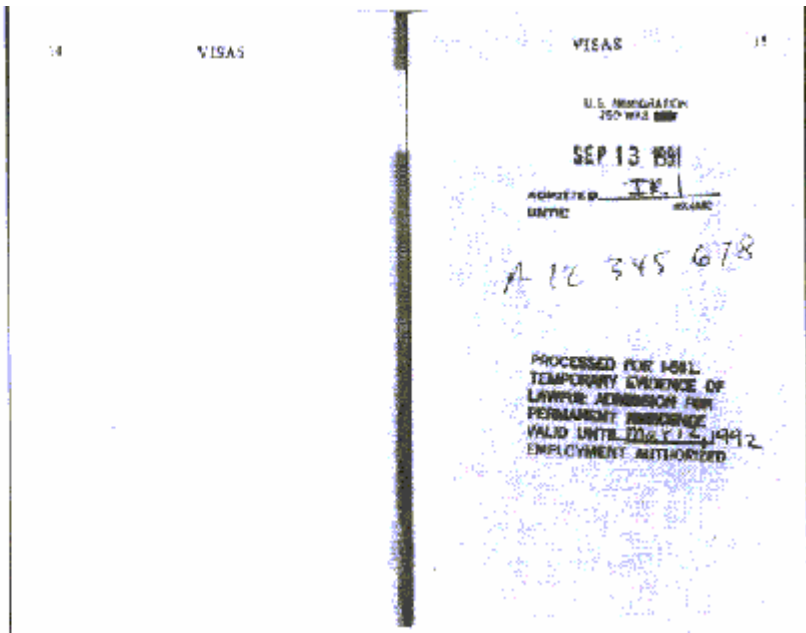


# INS DOCUMENTS THAT ESTABLISH ELIGIBILITY FOR THE VIRGINIA REFUGEE RESETTLEMENT PROGRAM

Document	Description	Status
I-551 & I-551B	AM-6, -7, or -8	Amerasian Immigrant
	RE-6, -7, -8, or -9	Refugee or Relative
	AS-6, -7, or -8	Asylee or Relative
	CH6, HA6, or HB6	Cuban/Haitian Immigrant
	GA-6, -7, or -8	Iraqi Asylee or Relative

## **SAMPLE OF I-551 STAMP IN A FOREIGN PASSPORT:**

*When an alien is first admitted into the U.S. as a Legal Permanent Resident, his or her passport is stamped with temporary proof of LPR status. This stamp will have an expiration date. This is proof of admission as a lawful permanent resident. The stamp could also be placed on the alien's I-94.*



## INS DOCUMENTS THAT ESTABLISH ELIGIBILITY FOR THE VIRGINIA REFUGEE RESETTLEMENT PROGRAM

Document	Description	Status
I-571	United States Refugee Travel Document	Refugee or Asylee

**SAMPLE I-571:**

**UNITED STATES  
OF AMERICA**

**ESTADOS UNIDOS  
DE AMÉRICA**

**REFUGEE TRAVEL  
DOCUMENT**  
(UN Convention of July 28, 1951)

**DOCUMENTO  
DE VIAJE PARA  
REFUGIADOS**  
(Convención del 28 de Julio  
de 1951 de las Naciones Unidas)

[illegible]


# INS DOCUMENTS THAT ESTABLISH ELIGIBILITY FOR THE VIRGINIA REFUGEE RESETTLEMENT PROGRAM

Document	Description	Status
I-688B	Employment Authorization Document Marked: A03, A04, or A05	Refugee, Parolee, or Asylee

## SAMPLE OF I-688B:

**EMPLOYMENT AUTHORIZATION**  
U.S. DEPARTMENT OF JUSTICE      Immigration and Naturalization Service

Name  
A100000000  
**SAMPLE**  
Signature  
*Wesley M. Otter*  
Valid from  
Expires **10/23/90**  
DOB  
X Provision of Law  
X 274a.12 (c) (8)  
X Terms & Conditions  
X  
X




The person identified on the reverse of this card is authorized to engage in employment in the United States pursuant to Section 274A of the Immigration and Nationality Act as amended, during the period of validity of the card and in accordance with the restricting terms stated on the reverse of the card.  
This document is VOID if altered and may be revoked pursuant to 8 CFR 274a. This document is not evidence of citizenship or permanent residence in the United States. If this card is found, please return to the nearest office of the Immigration and Naturalization Service.



# INS DOCUMENTS THAT ESTABLISH ELIGIBILITY FOR THE VIRGINIA REFUGEE RESETTLEMENT PROGRAM

Document	Description	Status
Asylum Letter	Letter from INS or an immigration judge granting a decision of asylum	Asylee

## SAMPLE OF LETTER GRANTING ASYLUM:

 U.S. Department of Justice  
Immigration and Naturalization Service

Office Director 380 West Los Angeles Street FEB 02 1991  
Los Angeles, CA 90012 A29 000 880

EDUARDO ALBERTO  
412 CENTER  
LOS ANGELES CA 90000

SIR: MR. EDUARDO ALBERTO ;

This refers to your Request for Asylum in the United States.

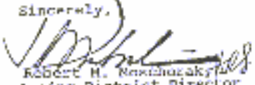
I have concluded, upon consultation with the Bureau of Human Rights and Humanitarian Affairs, Department of State, that you have established a well-founded fear of persecution upon return to your homeland. Therefore, in accordance with Section 208(a) of the Immigration and Nationality Act, your request for Asylum in the United States is granted as of FEB 02 1991.

Your asylum RIGHTS may be terminated if it is subsequently determined you are no longer a refugee within the meaning of section 101(a)(42)(B) of the Immigration and Nationality Act, or that you pose a danger to the community or to the security of the United States.

You are authorized to remain in the United States until FEB 01 1991 at which time you must arrange to be interviewed to determine your continuing eligibility for asylum. Employment is authorized during this period. If you plan to depart the United States, it will be necessary for you to obtain prior permission to return.

You may apply for permanent residence under section 209(b) of the Immigration and Nationality Act upon being physically present in the United States for at least one year after asylum was granted.

Please keep this office informed of any change in your address.

Sincerely,  
  
ROBERT M. WENZEL  
Acting District Director

UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
OFFICE OF THE IMMIGRATION JUDGE  
Los Angeles, California

File No: A 70 400 000

In the Matter of  
EDUARDO E.  
Respondent

IN DEPORTATION PROCEEDINGS

Order of the  
Immigration Judge


This warrant having been initiated by the Immigration & Naturalization Service upon the filing of an Order to Show Cause, and the Respondent having been found to be subject to deportation on the charge(s) set forth therein; and the Respondent having made application for relief from deportation under Sections 101(a) and 141(b) of the Immigration and Nationality Act; and a hearing having been held on said applications, and the Court being fully informed of the facts, and having made an oral decision at the conclusion of the hearing setting forth the basis upon which the Respondent is found QUALIFIED for the relief sought; therefore, upon this order being filed,

IT IS ORDERED that the Respondent's application for relief from deportation under Sections 208(a) and 244(b) of the Immigration and Nationality Act be and is hereby GRANTED, and,

IT IS FURTHER ORDERED that deportation proceedings against the Respondent be TERMINATED.

Appeal: Waived Received

Date: 2-27-91

  
ROY J. MAXWELL  
Immigration Judge

A copy of this Order has been served upon the Respondent and the Immigration Service.



October 2001

Department of Health and Human Services  
Administration for Children and Families  
370 L'Enfant Promenade, S.W.  
Washington, D.C. 20447

**ORR State Letter #00-17**

September 14, 2000

TO: STATE REFUGEE COORDINATORS  
NATIONAL VOLUNTARY AGENCIES  
OTHER INTERESTED PARTIES

FROM: Lavinia Limón, Director  
Office of Refugee Resettlement

SUBJECT: Status and Documentation Requirements for the Refugee Resettlement Program

**Purpose of this Letter**

This State Letter outlines: (1) the statuses that confer eligibility for Refugee Resettlement Program benefits; (2) the documentation that is needed to prove an individual has one of those statuses; and (3) a suggested process for making eligibility determinations. Along with confirming status, eligibility determinations must include confirmation of identity, the date that an individual initially became eligible for benefits ("entry" date) and, in cases involving Cuban and Haitian entrants, nationality. More than one piece of documentation may be needed to make all of these determinations. **However, this State Letter will not discuss documentation that confirms identity, nationality or "entry" dates. This State Letter only discusses status documentation.**

**Process**

The Office of Refugee Resettlement (ORR) asks agencies to use the following process when determining eligibility for Refugee Resettlement Program benefits.

- (1) Eligibility workers should ask the applicant for a **written declaration**, under penalty of perjury, that he or she has an immigration status that makes him or her eligible for Refugee Resettlement Program benefits.
- (2) Eligibility workers should review **documentation** of immigration status as outlined in charts included with this State Letter.
- (3) If status is supported by documents, eligibility workers may conclude that the applicant has a qualified status and continue with **other eligibility verifications**, such as verification of "entry date" and specific program requirements.
- (4) If unable to confirm status after checking documentation, which suggests eligibility, agencies should provide benefits while using **other methods to verify status**. Agencies, if connected with the Immigration and Naturalization Service (INS) Systematic Alien Verification for Entitlements (SAVE) system should follow standard SAVE procedures. If not connected to the SAVE system, agencies may submit INS Form G-845 to the local INS office. In some cases, which are mentioned below, agencies may call the Executive Office for Immigration Review (EOIR) case status line.
- (5) If an agency follows the above procedures but remains uncertain about an applicant's status, please call AnnaMarie Bena, **ORR Immigration Specialist**, at (202) 260-5186 or send an email to abena@acf.dhhs.gov.

### Limitations

ORR has attempted to gather a comprehensive list of documents that shows statuses conferring eligibility for ORR programs. However, the INS produces a variety of documents, some of which may be useful in a status determination but which, for a number of reasons, may not have been included in this State Letter. Moreover, due to the complexity of certain categorical definitions, documentation alone may not definitively confirm eligibility in some cases. Noting these difficulties, ORR asks agencies to follow the process suggested above. If an agency has concerns or questions at any point during the process, please contact Anna Marie Bena at (202) 260-5186 or abena@acf.dhhs.gov.

### Proposed Rule

In August 1998, the Attorney General published a proposed rule, *Verification of Eligibility for Public Benefits*, 63 FR 41662, ("Proposed Rule"), with a 60-day comment period. The Proposed Rule is not in force. However, the Attorney General is expected to issue a final rule concerning verification issues. At that time, ORR will reevaluate the guidance in this letter to ensure that ORR procedures are consistent with the final verification rules. Agencies should follow the guidance in this State Letter until a final rule is issued by the Attorney General.

### STATUS REQUIREMENTS

Individuals with the following statuses are eligible for Refugee Resettlement Program benefits (45 CFR §400.43(a)(1)-(6)):

- (1) Individuals paroled as **refugees or asylees** under §212(d)(5) of the Immigration and Nationality Act (INA)
- (2) Refugees admitted under §207 of the INA
- (3) Asylees whose status was granted under §208 of the INA
- (4) Cuban and Haitian entrants, in accordance with the requirements in 45 CFR §401.2
  - (a) Any individual granted parole status as a Cuban/Haitian Entrant (Status Pending) or granted any other special status subsequently established under the immigration laws for nationals of Cuba or Haiti, regardless of the status of the individual at the time assistance or services are provided
  - (b) A national of Cuba or Haiti who was paroled into the United States and has not acquired any other status under the INA and with respect to whom a final, nonappealable, and legally enforceable order of removal, deportation or exclusion has not been entered
  - (c) A national of Cuba or Haiti who is the subject of removal, deportation or exclusion proceedings under the INA and with respect to whom a final, nonappealable, and legally enforceable order of removal, deportation or exclusion has not been entered
  - (d) A national of Cuba or Haiti who has an application for asylum pending with the INS and with respect to whom a final, nonappealable, and legally enforceable order of removal, deportation or exclusion has not been entered
- (5) Certain Amerasians from Vietnam who are admitted to the U.S. as immigrants pursuant to §584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988 (as contained in §101(e) of Public Law 100-202 and amended by the 9<sup>th</sup> proviso under Migration and Refugee Assistance in title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Acts, 1989 (Public Law 100-461 as amended)
- (6) Lawful permanent residents, provided the individuals previously held one of the statuses identified above (Note that this does not refer to Amerasians who are admitted as lawful permanent residents. See #5 above.)

### DOCUMENTATION REQUIREMENTS

In order to access Refugee Resettlement program benefits, individuals must provide acceptable documentation of one of the statuses listed above. The following lists include documents that provide proof of these statuses. These documents may or may not provide proof of identity, nationality or "entry" date.

#### Chart #1

**(1) Acceptable documents for individuals paroled as refugees or asylees under §212(d)(5) of the INA\*:**

Documents/Codes	Comments
I-94 Arrival/departure card noting that the individual has been paroled as a <b>refugee or asylee</b> under §212(d)(5)	To be eligible under this provision, the I-94 must note that the individual is a <b>refugee or asylee</b> .
I-766 Employment Authorization Document with the code A04	
I-688B Employment Authorization Document with the provision of law 274a.12(a)(4)	This is an older version of the employment authorization document but it is still in use.

**\*Note:** This status rarely has been granted since 1980. **It is unlikely that eligibility workers will encounter this type of documentation.** Eligibility workers may encounter other individuals, not refugees or asylees, who have been paroled under §212(d)(5). The documentation of other parolees under §212(d)(5) may include language, such as "humanitarian" or "public interest parole." An example of a population with this documentation would be parolees who receive benefits under the "Lautenberg Amendment," a special provision that allows nationals from the former Soviet Union, Vietnam, Laos or Cambodia to adjust their status after having resided in the United States for one year. These types of parolees under §212(d)(5) are NOT eligible for ORR benefits. Only individuals who are listed as **refugees or asylees** are eligible under this provision. However, if the individual is a national of Cuba or Haiti, he or she may be eligible under the provisions concerning Cuban and Haitian entrants. (See documentation lists below for information on Cuban and Haitian entrants.)

#### Chart #2

**(2) Acceptable documents for refugees admitted under §207 of the INA:**

Documents/Codes	Comments
I-94 Arrival/departure card noting that the individual has been admitted under §207 of the INA	Notations may include references to employment authorization, indefinite status, and the requirement to obtain permission before leaving the United States.
RE-1 admission code on the I-94	Principal Refugee
RE-2 admission code on the I-94	Spouse of principal refugee
RE-3 admission code on the I-94	Child of principal refugee
RE-4 admission code on the I-94	Collateral relatives of principal refugee
RE-5 admission code on the I-94	Certain Haitian refugees
I-766 Employment Authorization Document with the code A03	
I-688B Employment Authorization Document with the provision of law 274a.12(a)(3)	This is an older version of the employment authorization document but it is still in use.
INS Form I-571	United States Refugee Travel Document*
Visa 93 (or V-93) on the I-94 Arrival/departure card	May be accompanied by the words "section 207"; Individual is the spouse or minor child of a previously admitted refugee.

**\*Note:** The INS Form I-571, which is a United States Refugee Travel Document, does not distinguish between refugees and asylees. An individual with a United States Refugee Travel Document may be a refugee or an asylee.

**Chart #3**

**(3) Acceptable documents for asylees whose status was granted under §208 of the INA:**

Documents/Codes	Comments
I-94 Arrival/departure card referencing §208 of the INA	Notations may include references to employment authorization, indefinite status, and the requirement to obtain permission before leaving the United States.
AS-1 admission code on the I-94	Approved asylee principal
AS-2 admission code on the I-94	Approved spouse of an asylee principal
AS-3 admission code on the I-94	Approved child of an asylee principal
INS Form I-571	United States Refugee Travel Document*
I-766 Employment Authorization Document with the code A05	
I-688B Employment Authorization Document with the provision of law 274a.12(a)(5)	This is an older version of the employment authorization document but it is still in use.
Order of an Immigration Judge Granting Asylum under §208 of the INA	An Order of an Immigration Judge will serve as proof of asylee status if the INS has waived the right to appeal the case. See Note 2 below for information about cases where the INS reserves the right to appeal.**
Asylum Approval Letter from an INS Asylum Office	Letter will note that the individual has been granted asylum pursuant to §208 of the INA and may include information concerning refugee and asylee relative petition, work authorization and the refugee travel document.
Written decision from the Board of Immigration Appeals (BIA)	
I-730 Approval Letter	The I-730 Approval Letter may be used as proof of asylee status for derivatives.
Visa 92 (or V-92) on the I-94 Arrival/departure card	May be accompanied by the words "section 208"; Individual is the spouse or minor child of a previously granted asylee.

**\*Note 1:** The INS Form I-571, which is a United States Refugee Travel Document, does not distinguish between refugees and asylees. An individual with a United States Refugee Travel Document may be a refugee or an asylee.

**\*\*Note 2:** If the INS has reserved its right to appeal, an Immigration Judge Order will not serve, on its own, as proof of asylee status. If an asylee brings an Immigration Judge Order that shows the INS has reserved its right to appeal, eligibility workers must wait 30 days from the date on the Immigration Judge Order. On or after the 31<sup>st</sup> day, the eligibility worker will need to call the Executive Office for Immigration Review (EOIR) case status line at (800) 898-7180 to find out whether the INS has appealed the case. (The EOIR reports that it may take up to 5 days after the appeal deadline for the information to be relayed to the case status line.) If the INS has appealed the case, the individual is not yet an asylee and is not eligible for benefits. If the INS has not appealed the case and 30 days have passed since the date on the Immigration Judge Order, the individual is an asylee and is eligible for ORR assistance and services.

Chart #4a

**(NOTE: ORR State Letter #01-22 made several changes to chart #4a shown below. See the last page of this appendix for details.)**

**(4) Acceptable documents for Cuban and Haitian entrants, in accordance with the requirements in 45 CFR §401.2:**

- (a) *Any individual granted parole status as a Cuban/Haitian Entrant (Status Pending) or granted any other special status\* subsequently established under the immigration laws for nationals of Cuba or Haiti, regardless of the status of the individual at the time assistance or services are provided.*

Documents/Codes	Comments
An I-94 Arrival/departure card with a stamp showing parole at any time as a "Cuban/Haitian Entrant (Status Pending)"	I-94 may refer to §212(d)(5).
CH6 adjustment code on the I-551	Even after a Cuban/Haitian Entrant (Status Pending) becomes a permanent resident, he/she technically retains the status Cuban/Haitian Entrant (Status Pending).
An I-94 Arrival/departure card with a stamp showing parole into the U.S. on or after April 21, 1980	I-94 may refer to §212(d)(5).
A Cuban or Haitian passport with a §212(d)(5) stamp dated after October 10, 1980.	

**\*Note:** ORR is not interpreting the phrase, "any other special status subsequently established under the immigration laws for nationals of Cuba or Haiti" to refer to lawful permanent residence obtained under the Nicaraguan Adjustment and Central American Relief Act (NACARA) or the Haitian Refugee Immigration Fairness Act (HRIFA). Although NACARA and HRIFA offer a special opportunity for nationals of Cuba and Haiti, the **status** conferred by these laws, **lawful permanent residence**, is not a "special status." Thus, if the person did not qualify as a Cuban and Haitian entrant, adjustment of status, regardless of the legal basis for the adjustment, does not make the person a Cuban and Haitian entrant.

Chart #4b

- (b) *A national of Cuba or Haiti who was paroled into the United States and has not acquired any other status under the INA and with respect to whom a final, nonappealable, and legally enforceable order of removal, deportation or exclusion\* has not been entered*

Documents/Codes	Comments
An I-94 Arrival/departure card showing parole into the United States	I-94 may refer to §212(d)(5), humanitarian or public interest parole.**
I-766 Employment Authorization Document with the code A04	
I-766 Employment Authorization Document with the code C11	
I-688B Employment Authorization Document with the provision of law 274a.12(a)(4)***	This is an older version of the employment authorization document but it is still in use.
I-688B Employment Authorization Document with the provision of law 274a.12(c)(11)***	This is an older version of the employment authorization document but it is still in use.

**\*Note 1:** The question of whether there is a final, nonappealable, legally enforceable order of removal, deportation or exclusion is essentially a legal determination that cannot simply be made by reviewing any of the listed documents. Moreover, it is not a decision that can be easily made by eligibility workers in the regular course of eligibility determinations. ORR suggests that eligibility workers require a written declaration, under penalty of perjury, that the individual has a status that makes him/her eligible for ORR programs and attempt to use other methods to uncover this information, such as calling the EOIR case status line at (800) 898-7180, submitting Form G-845 to the local INS office, asking the applicant for more information or, if participating, accessing the INS SAVE system. Note that these methods may not be definitive. If an applicant appears eligible from the available information, the agency should provide benefits while conducting further investigation. If, after reviewing documents and attempting to determine whether there is a final, nonappealable, legally enforceable order of removal, deportation or exclusion, an eligibility worker remains uncertain about an applicant's eligibility, please call Anna Marie Bena at (202) 260-5186.

**\*\*Note 2:** As treatment of Cuban and Haitian entrants has developed, INS officials, on occasion, may have used notations on the I-94s of Cuban and Haitian entrants that are not listed above. Eligibility workers may see various notations that convey parole. For example, eligibility workers, in the past, may have seen the notation, "EWI," which technically stands for "Entered Without Inspection" but was being used for individuals who were paroled. Please call Anna Marie Bena at (202) 260-5186 if you encounter unusual notations or if you are uncertain of the relevance of a particular notation.

**\*\*\*Note 3:** If an individual provides an I-688B Employment Authorization Document, which does not provide information about nationality, eligibility workers must request other documentation to confirm that the individual is a Cuban or Haitian national.

#### Chart #4c

*(c) A national of Cuba or Haiti who is the subject of removal, deportation or exclusion proceedings\* under the INA and with respect to whom a final, nonappealable, and legally enforceable order of removal, deportation or exclusion\*\* has not been entered.*

Documents/Codes	Comments
INS Form I-221	Order to Show Cause and Notice of Hearing
INS Form I-862	Notice to Appear
INS Form I-220A	Order of Release on Recognizance
INS Form I-122	Notice to Applicant Detained for a Hearing Before an Immigration Judge
INS Form I-221S	Order to Show Cause, Notice of Hearing and Warrant for Arrest
Copy of INS Form I-589 date stamped by the Executive Office for Immigration Review (EOIR)	Application for Asylum and Withholding of Removal; Individual is subject of removal, deportation or exclusion proceedings.
Copy of INS Form I-485 date stamped by EOIR	Application to Register Permanent Residence or to Adjust Status; Individual is subject of removal, exclusion or deportation proceedings.
EOIR-26	Notice of Appeal, date stamped by the Office of the Immigration Judge
I-766 Employment Authorization Document with the code C10	Application for suspension of deportation/cancellation of removal submitted
I-688B Employment Authorization Document with the provision of law 274a.12(c)(10)***	Application for suspension of deportation/cancellation of removal submitted
Other applications for relief that have been date stamped by EOIR	
Other documentation pertaining to an applicant's removal, exclusion or deportation proceedings	Example: a notice of a hearing date before an Immigration Judge

**\*Note 1:** Although the above documents show that proceedings have been initiated in a case, they cannot confirm that proceedings are continuing. In order to confirm that proceedings are continuing, eligibility workers will need to use other methods, such as calling the EOIR case status line at (800) 898-7180, submitting Form G-845 to the local INS office or, if participating, accessing the INS SAVE system. If an eligibility worker cannot determine whether proceedings are ongoing, please call Anna Marie Bena at (202) 260-5186.

**\*\*Note 2:** The question of whether there is a final, nonappealable, legally enforceable order of removal, deportation or exclusion is essentially a legal determination that cannot simply be made by reviewing any of the listed documents. Moreover, it is not a decision that can be easily made by eligibility workers in the regular course of eligibility determinations. ORR suggests that eligibility workers require a written declaration, under penalty of perjury, that the individual has a status that makes him/her eligible for ORR programs and attempt to use other methods to uncover this information, such as calling the EOIR case status line at (800) 898-7180, submitting Form G-845 to the local INS office, asking the applicant for more information or, if participating, accessing the INS SAVE system. Note that these methods may not be definitive. If an applicant appears eligible from the available information, the agency should provide benefits while conducting further investigation. If, after reviewing documents and attempting to determine whether there is a final, nonappealable, legally enforceable order of removal, deportation or exclusion, an eligibility worker remains uncertain about an applicant's eligibility, please call Anna Marie Bena at (202) 260-5186.

**\*\*\*Note 3:** If an individual provides an I-688B Employment Authorization Document, which does not provide information about nationality, eligibility workers must request other documentation to confirm that the individual is a Cuban or Haitian national.

#### **Chart #4d**

*(d) A national of Cuba or Haiti who has an application for asylum pending with the Immigration and Naturalization Service and with respect to whom a final, nonappealable, and legally enforceable order of removal, deportation or exclusion\* has not been entered.*

<b>Documents/Codes</b>	<b>Comments</b>
INS receipt for filing Form I-589	Application for Asylum and Withholding of Removal
I-766 Employment Authorization document with the code C08	
I-688B Employment Authorization Document with the provision of law 274a.12(c)(8)**	This is an older version of the employment authorization document but it is still in use.

**\*Note 1:** The question of whether there is a final, nonappealable, legally enforceable order of removal, deportation or exclusion is essentially a legal determination that cannot simply be made by reviewing any of the listed documents. Moreover, it is not a decision that can be easily made by eligibility workers in the regular course of eligibility determinations. ORR suggests that eligibility workers require a written declaration, under penalty of perjury, that the individual has a status that makes him/her eligible for ORR programs and attempt to use other methods to uncover this information, such as calling the EOIR case status line at (800) 898-7180, submitting Form G-845 to the local INS office, asking the applicant for more information or, if participating, accessing the INS SAVE system. Note that these methods may not be definitive. If an applicant appears eligible from the available information, the agency should provide benefits while conducting further investigation. If, after reviewing documents and attempting to determine whether there is a final, nonappealable, legally enforceable order of removal, deportation or exclusion, an eligibility worker remains uncertain about an applicant's eligibility, please call Anna Marie Bena at (202) 260-5186.

**\*\*Note 2:** If an individual provides an I-688B Employment Authorization Document, which does not provide information about nationality, eligibility workers must request other documentation to confirm that the individual is a Cuban or Haitian national.

**Chart #5****(5) Acceptable documents for certain Amerasians (see definition above):**

<b>Documents/Codes</b>	<b>Comments</b>
AM-1 admission code on the I-94	Amerasian born in Vietnam after Jan. 1, 1962 and before Jan. 1, 1976 who was fathered by a U.S. citizen
AM-2 admission code on the I-94	Spouse or child of Amerasian
AM-3 admission code on the I-94	Mother, guardian or next-of-kin of Amerasian
AM-6 adjustment code on Form I-551 Permanent Resident Card (or Resident Alien Card)	Amerasian (see above)
AM-7 adjustment code on Form I-551 Permanent Resident Card (or Resident Alien Card)	Spouse or child of Amerasian
AM-8 adjustment code on Form I-551 Permanent Resident Card (or Resident Alien Card)	Mother, guardian or next-of-kin of Amerasian
Vietnamese Exit Visa with codes AM-1, AM-2 or AM-3	"Laissez Passer"; may have temporary I-551 stamp
Vietnamese passport with codes AM-1, AM-2 or AM-3	May have temporary I-551 stamp
United States passport with codes AM-1, AM-2 or AM-3	

**Chart #6****(6) Acceptable documents for lawful permanent residents who previously held one of the above identified statuses** (Note that this does not refer to Amerasians who are admitted as lawful permanent residents. See Chart #5 for all documents pertaining to Amerasians):

<b>Form I-551 Permanent Resident Card (or Resident Alien Card) with the following codes:</b>	<b>Comments</b>
RE6	Adjusted Principal Refugee
RE7	Spouse of RE6
RE8	Child of RE6
RE9	Collateral Relatives of RE6
AS6	Adjusted Principal Asylee
AS7	Spouse of AS6
AS8	Child of AS6
CH6	Adjusted Cuban/Haitian Entrant (Status Pending)
HA6	Adjusted Cuban and Haitian Entrant (Haitian national who had applied for asylum)
HB6	Adjusted Cuban and Haitian Entrant (Haitian national who had been paroled)
GA6	Adjusted Iraqi asylee
GA7	Spouse of GA6
GA8	Child of GA6



Foreign Passport with unexpired, temporary I-551 stamp and the following codes:	Comments
RE6	Adjusted Principal Refugee
RE7	Spouse of RE6
RE8	Child of RE6
RE9	Collateral Relatives of RE6
AS6	Adjusted Principal Asylee
AS7	Spouse of AS6
AS8	Child of AS6

Employment Authorization Documents	Comments
Form I-766 Employment Authorization Document with the code A10 (This code only confirms eligibility for Cuban or Haitian nationals.)	Withholding of Deportation or Removal
Form I-688B Employment Authorization Document with the provision of law 274a.12(a)(10) (This code only confirms eligibility for Cuban or Haitian nationals.)	Withholding of Deportation or Removal

**NOTE: ORR State Letter #01-22 made the following changes to chart #4a of State Letter#00-17 above. This reflects a change in the documents that ORR will accept as proof that a Cuban or Haitian is a Category One “Cuban and Haitian entrant.”**

Documents/Codes	Comments
An I-94 Arrival/departure card with a stamp showing parole at any time as a "Cuban/Haitian Entrant (Status Pending)"	I-94 may refer to §212(d)(5). <b>I-94 may be expired.</b>
CH6 adjustment code on the I-551	Even after a Cuban/Haitian Entrant (Status Pending) becomes a permanent resident, he/she technically retains the status Cuban/Haitian Entrant (Status Pending). <b>I-551 may be expired.</b>
<b>An I-94 Arrival/departure card with a stamp showing parole into the U.S. on or after April 21, 1980</b>	I-94 may refer to §212(d)(5). <b>I-94 may be expired.</b>
A Cuban or Haitian passport with a §212(d)(5) stamp dated after October 10, 1980.	<b>Passport may be expired.</b>

## Appendix B



### DEPARTMENT OF HEALTH & HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES  
370 L'Enfant Promenade, S.W.  
Washington, D.C. 20447

COPY

HHS Tracking Number  
5555555555

Ms. Susie Doe  
c/o Jim Thomas, Refugee Social Worker  
Smith County Community Service Office  
123 Main St.  
Bellevue, WA 55555-5555

#### CERTIFICATION LETTER

Dear Ms. Doe:

This letter confirms that you have been certified by the Department of Health and Human Services (HHS) pursuant to section 107(b) of the Trafficking Victims Protection Act of 2000. Your certification date is \_\_\_\_\_. This certification is valid for eight months from the date of this letter. The expiration date is \_\_\_\_\_.

With this certification, you are eligible for benefits and services under any Federal or State program or activity funded or administered by any Federal agency to the same extent as an individual who is admitted to the United States as a refugee under section 207 of the Immigration and Nationality Act, provided you meet other eligibility criteria. This certification does not confer immigration status.

You should present this letter when you apply for benefits or services. Benefit-issuing agencies should call the trafficking verification line at (202) 401-5510 to verify the validity of this document and to inform HHS of the benefits for which you have applied.

Sincerely,

Carmel Clay-Thompson  
Acting Director  
Office of Refugee Resettlement



**DEPARTMENT OF HEALTH & HUMAN SERVICES**

**ADMINISTRATION FOR CHILDREN AND FAMILIES**  
370 L'Enfant Promenade, S.W.  
Washington, D.C. 20447

**COPY**

**HHS Tracking Number**  
5555555555

Ms. Susie Doe  
c/o Jim Thomas, Refugee Social Worker  
Smith County Community Service Office  
123 Main St.  
Bellevue, WA 55555-5555

Dear Ms. Doe:

This letter confirms that, pursuant to section 107(b) of the Trafficking Victims Protection Act of 2000, you are eligible for benefits and services under any Federal or State program or activity funded or administered by any Federal agency to the same extent as an individual who is admitted to the United States as a refugee under section 207 of the Immigration and Nationality Act, provided you meet other eligibility criteria.

Your initial eligibility date is \_\_\_\_\_. This eligibility is valid for eight months from the date of this letter. The expiration date is \_\_\_\_\_.

You should present this letter when you apply for benefits or services. Benefit-issuing agencies should call the trafficking verification line at (202) 401-5510 to verify the validity of this document and to inform HHS of the benefits for which you have applied.

Sincerely,

Carmel Clay-Thompson  
Acting Director  
Office of Refugee Resettlement

# DOMESTIC HEALTH ASSESSMENT FORM

## THE HEALTH DISTRICT PROVIDING THE HEALTH ASSESSMENT COMPLETES THIS PORTION OF FORM

Was The Refugee Located Or Not? (circle one) Yes / No If **NOT** Located, Provide Reason If Known. \_\_\_\_\_  
 If The Refugee Was Not Located, You Can Not Provide An Assessment. Do Not Continue But Return This Form to VDH Refugee Health Program.  
 If The Refugee Was Located, Provide Name of The **Health District** Providing This Health Assessment. \_\_\_\_\_  
 Print Name of Person Completing This Form: \_\_\_\_\_ Phone #: (\_\_\_\_) \_\_\_\_\_

### Your district must decide whether or not to bill Medicaid for this initial health assessment

#### Forms received without checking 1 or 2 will be returned delaying compensation

1. Check here **1** if your District **INTENDS** to bill the refugee's Medicaid for elements included in this Health Assessment. By checking here, the health district indicates it will accept the Medicaid reimbursement allowance for elements within this health assessment. Your district will **not** be reimbursed by DSS administered Refugee Medicaid Assistance Funds.
2. Check here **2** if your District **DOES NOT INTEND** to bill Medicaid for elements in this Health Assessment. By checking here, the health district indicates that for this health assessment it will accept the reimbursement from DSS administered Refugee Medical Assistance Funds, facilitated by DTC. Further, the District agrees **not** to bill the refugee's Medicaid for *any* element included in this initial health assessment. Subsequent health visits can and should be billed to the refugee's Medicaid or other medical insurance.

Date of this Health Assessment: (mm/dd/yy) \_\_\_\_/\_\_\_\_/\_\_\_\_ What is the Refugee's *Primary* Language (other than English)? \_\_\_\_\_

### LEVEL I: REQUIRED MINIMUM: Assessment for Tuberculosis Disease / Infection (May be completed by PHN, NP, PA, or MD)

(Level I only = \$60.00)

Each element requires an appropriate answer:

#### Mantoux Skin Test Reaction

- ☐ Negative  
☐ Positive  
☐ Given, not read  
☐ Not done, explain: \_\_\_\_\_

#### Chest X-ray (in US) if PPD + &/or S/S

- ☐ Normal (not TB)  
☐ Abnormal (TB suspected)  
☐ N/A (negative PPD & no S/S of TB)

#### Therapy (if indicated)

- ☐ TX for suspected or confirmed TB disease is considered  
☐ Therapy for LTBI indicated  
☐ Based on evaluation, no therapy indicated now

1. Was an interpreter *necessary* to conduct this refugee's health history and assessment? (If **Yes**, complete 2,3, & 4 ---- If **No**, skip to Level II) (Circle One)  
Yes / No  
 2. Was a competent, trained interpreter *available* to facilitate this refugee's health history and assessment? Yes / No  
 3. Was the trained interpreter *used* to facilitate this refugee's health history and assessment? Yes / No  
 4. Was a *family member* or friend used to provide the interpretation? Yes / No

### LEVEL II: Health History and Assessment (May be completed by PHN, NP, PA, or MD)

(Level I and II = \$179.50 if age 11 years or less; \$220.50 if age 12 years or more)

For compensation for this level, Level I is required and *each* item in Level II requires the most appropriate response.

(Circle One)

- |  |            |           |
|--|------------|-----------|
| 1) A review of the refugee's health history.....   | WNL? ..... | Yes / No  |
| 2) The gross inspection / assessment / systems review. Question for current health problems? .....                       | WNL? ..... | Yes / No  |
| 3) A gross evaluation of vision and hearing .....  | WNL? ..... | Yes / No  |
| 4) A gross dental inspection / assessment .....  | WNL? ..... | Yes / No  |
| 5) STD follow-up for any STD <i>if identified</i> on federal form OF-157 .....   |            | Done / NA |
| 6) Is this refugee's weight appropriate for his / her height? .....  |            | Yes / No  |
| 7) Is this refugee's hemoglobin & / or hematocrit appropriate for his / her age & sex? .....                             |            | Yes / No  |
| 8) If 5 years old or over, is this refugee's Blood Pressure grossly with in normal limits? (If age < 5, circle Yes)..... |            | Yes / No  |

- 9) Review the refugee's immunization history. Determine if his/her immunization status is current/up to date for age. Indicate if any update is necessary by checking yes / no to each item. You are encouraged to begin the update (give immunizations) during this visit and then refer appropriately for follow-up through your district immunization clinic.

- |  |          |
|--|----------|
| Diphtheria, Tetanus, and if indicated for age, Pertussis .....         | Yes / No |
| Polio .....  | Yes / No |
| Measles, Mumps, and/or Rubella .....                                   | Yes / No |
| Hepatitis B (series requires referral to immunization clinic) .....    | Yes / No |
| <i>Haemophilus influenzae</i> type B .....                             | Yes / No |
| Varicella .....  | Yes / No |
| Pneumococcal (necessary if indicated by age or health condition) ..... | Yes / No |
| Influenza? (necessary if season, age, and / or health condition) ..... | Yes / No |

- 10) Hepatitis B Screening: (Africa, Asia, Middle East; at times, former Soviet States & Eastern Europe) ..... Done / No  
 11) Parasite screening: (Africa, Asia, Middle East, and if from a refugee camp) ..... Done / No  
 12) **IF FEMALE**, is this refugee currently pregnant? ..... NA / Yes / No  
 13) General mental status assessment (orientation to person, place, time, as age appropriate)? WNL?..... Yes / No

**Level III: Expanded Health Assessment** (A PHN, NP, PA or MD may complete this portion)

(Level I, II, and III = \$198 if age 11 or less; \$255 if age 12 or more)

For compensation for this level by DSS refugee funds, Level I and II are required and sections specific to the refugee's age require the most appropriate response.

**(Circle one)**

- 1) An assessment, that at a minimum, includes listening to heart & lung sounds ..... Done / Not Done
- 2) Age specific recommended screening:
- a) **age <5 year:**
- 1- Measure head circumference ..... WNL? Yes / No  
 2- Assessment for development milestones ..... WNL? Yes / No
- b) **age 5-15 years:**
- 1- Provide nutritional assessment (if he & wt <5<sup>th</sup> %) ..... Done / NA  
 2- Development level / mental status assessment.....WNL? Yes / No
- c) **age >15 years:**
- 1- Further evaluation if weight more than 10% under normal range  
 OR if more than 40% over normal range. .... Done / NA  
 2- Evaluation for hypertension of BP elevated. .... Done / NA  
 3- CBC, platelets, if heratocrit less than 30%. .... Done / NA  
 4- VDRL if indicated by history or abnormal exam. .... Done / NA  
 5- Offer HIV testing if indicated by history or abnormal exam. .... Done / NA
- d) **age >46 years or if indicated at any age:**
- 1- Stool exam for blood (hemoccult). .... Done / NA  
 2- Fasting glucose. .... Done / NA  
 3- Fasting cholesterol. .... Done / NA  
 4- Cancer information and / or evaluation as appropriate. .... Done / NA

**LEVEL IV: PUBLIC HEALTH NURSE CASE MANAGEMENT**

Includes any referrals as necessary based on health assessment. This Level is reimbursed once @ \$86.50, regardless of the number of referrals. Make sure the referral corresponds to findings as documented in the previous Levels. If not, the referral cannot be counted.

**(Circle one)**

- 1) Referral for consideration of therapy for TB infection or disease? ..... Yes / No  
 2) Referral for abnormal vision finding? ..... Yes / No  
 3) Referral for abnormal hearing finding ..... Yes / No  
 4) Referral following a **normal** dental inspection? ..... Yes / No  
 5) Referral for follow up due to an **abnormal** dental inspection? ..... Yes / No  
 6) Referral necessary for an STD/HIV finding? ..... Yes / No  
 7) Referral necessary for abnormal weight finding? ..... Yes / No  
 8) Referral necessary for anemia/malaria findings? ..... Yes / No  
 9) Referral necessary for update immunizations per ACIP guidelines? ..... Yes / No  
 10) Referral necessary for Hepatitis B? ..... Yes / No  
 11) Household contact testing for Hepatitis B necessary? ..... Yes / No  
 12) Referral required for abnormal parasite screening? ..... Yes / No  
 13) Referral necessary for developmental delays (children under 6 only)? ..... Yes / No  
 14) Referral necessary for mental health evaluation? ..... Yes / No  
 15) Referral for any other problems identified at health assessment? ..... Yes / No

This form serves as both an invoice tool and health data collection tool, please complete appropriately and accurately. The program can reimburse Health Districts only. The program cannot reimburse private physicians or clinics. A health district may choose to contract with a health provider to provide the health assessment. The district then accepts responsibility for reimbursing their contractor once the district is reimbursed.

**PLEASE RETURN FORM TO VDH/RHP AS SOON AS POSSIBLE AFTER HEALTH ASSESSMENT IS COMPLETED**  
**Reimbursement Can Only Be Made With Proper Documentation**



## DEPARTMENT OF HEALTH &amp; HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES  
370 L'Enfant Promenade, S.W.  
Washington, D.C. 20447

## ORR State Letter

# 00-18

Date: September 19, 2000

TO: STATE REFUGEE COORDINATORS  
NATIONAL VOLUNTARY AGENCIES  
MUTUAL ASSISTANCE ASSOCIATIONS  
OTHER INTERESTED PARTIES

**RECEIVED**

SEP 25 2000

FROM: Lavinia Limón, Director  
Office of Refugee Resettlement

**NEWCOMER SERVICES**

SUBJECT: Policy Guidance on the Title VI Prohibition Against National Origin  
Discrimination As It Affects Persons With Limited English Proficiency

**The Department of Health and Human Services Office for Civil Rights has released Policy Guidance on the Title VI Prohibition Against National Origin Discrimination As It Affects Persons With Limited English Proficiency (Policy Guidance).** Title VI of the Civil Rights Act of 1964 provides that no person shall be subjected to discrimination on the basis of race, color or national origin under any program that receives Federal financial assistance. The prohibition of discrimination based on national origin includes the prohibition of discrimination against Limited English Proficient (LEP) persons. LEP persons are individuals who cannot speak, read, write or understand English well enough to communicate effectively with health and social service providers. **The Policy Guidance clarifies that it is the responsibility of health and social service providers who receive Federal financial assistance from the Department of Health and Human Services (HHS) to ensure that LEP persons receive language assistance so that they may have meaningful access to benefits and services.**

Since 1980, ORR, in fulfilling its mission to resettle refugees, has funded State agencies, community-based organizations, mutual assistance associations, private voluntary agencies and local health departments, among others. Those entities, in turn, have served refugees and asylees from diverse countries including Vietnam, Laos, Cambodia, the former Soviet Union, Bosnia, Iraq, Somalia, Sudan and others. The majority of these populations are made up of LEP persons. ORR grantees, therefore, have been at the forefront of assessment and the development of language assistance for LEP persons. ORR commends its grantees for their efforts and asks them to re-commit to ensuring that LEP persons receive appropriate, meaningful language assistance so that they can access benefits and services to help them begin



their new lives in the United States. Grantees should take this opportunity, at the release of the Policy Guidance, to re-assess efforts, to devise new strategies, to implement improvements and to offer technical assistance to other agencies in providing effective language assistance to LEP persons.

### **Who should be in compliance with Title VI?**

This Policy Guidance applies to all entities that receive Federal financial assistance from HHS, either directly or indirectly, through a grant, contract or subcontract.<sup>1</sup> Covered entities include (1) any State or local agency, private institution or organization, or any public or private individual that (2) operates, provides or engages in health, or social service programs and activities and that (3) receives Federal financial assistance from HHS directly or through another recipient/covered entity. **For ORR purposes, all state agencies, community-based organizations, national voluntary agencies, mutual assistance associations and any other entities receiving ORR funds, either directly or indirectly, are covered entities and must be in compliance with Title VI, and the obligation to provide language assistance when needed to ensure meaningful access to LEP persons.**

According to the Civil Rights Restoration Act of 1987 (CRRRA) all operations of ORR grantees, usually, are covered by Title VI, not just the part of the program that uses Federal assistance. In other words, ORR grantees should be in compliance with Title VI even if ORR funding is used only by one part of the program.

### **What are the keys to compliance?**

The key component to ensuring meaningful access for LEP persons is language assistance. The necessary language assistance will vary depending on the size of the grantee, the size of the eligible LEP population it serves, the nature of the program, the objectives of the program, the resources available to the grantee and the frequency with which particular languages are encountered. The Policy Guidance provides a discussion of the four keys to compliance: assessment of the language needs, the development of a written policy, staff training and monitoring. ORR is including with this State Letter an outline of the "Keys to Compliance" to assist grantees in assessing and formulating their language assistance provisions.

### **What are ORR grantees' responsibilities?**

The Policy Guidance does not impose new responsibilities on ORR grantees. Since its enactment, Title VI of the Civil Rights Act of 1964 has prohibited discrimination against LEP persons in any program that receives Federal financial assistance. Although ORR regulations only detail the obligations of grantees to ensure that LEP persons receive language assistance so that they have meaningful access to refugee cash assistance<sup>2</sup>, the legal requirement in Title VI extends to all assistance and services provided with ORR funds. ORR recommends that the release of the Policy Guidance be seen as an opportunity to evaluate policies and to improve services to LEP persons. Therefore, ORR asks grantees to take the following steps.

<sup>1</sup> For more information about what constitutes Federal financial assistance, see 45 C.F.R. § 80.13(f).

<sup>2</sup> 45 C.F.R. § 400.55 (2000).

**(1) Modification of State Plans.** ORR asks States to revisit their policies concerning LEP persons and to modify their State Plans by specifically including a framework outlining their policy on assistance to LEP persons. ORR grantees should submit their revised State Plans to ORR by Wednesday, November 8, 2000. ORR asks States to carefully review the Policy Guidance and the attached "Keys to Compliance" in formulating their policy. States that need assistance in assessing or formulating their policy may contact the HHS Office for Civil Rights for consultation about their programs.

**(2) Narrative Reports by Discretionary Grantees and Sub-grantees.** ORR asks all discretionary grantees and sub-grantees to report on their implementation of the Policy Guidance in their next narrative reports. Reports should include an outline of the grantee's LEP policy, as well as its implementation. Like the States, ORR grantees that administer refugee cash assistance programs under the Wilson-Fish authority must comply with ORR regulations requiring agencies to make their policy and program materials available in written form in appropriate languages where a significant proportion of the recipient population needs information in a particular language. (See information to States above.)

**(3) Monitoring.** ORR will include a review of LEP practices in monitoring sessions. All grantees should be prepared to share their written LEP policies and to discuss implementation.

**(4) Future Proposals.** In future Requests for Proposals (RFPs), ORR will require submitting entities to outline their policies concerning language assistance for LEP persons. Policies should address the four keys to compliance described in the Policy Guidance. Submitting entities will be encouraged to contact the HHS Office for Civil Rights for advice on the development of appropriate policies.

**(5) Costs of LEP Program Implementation.** States and grantees should not divert ORR funding from the Refugee Resettlement Program (RRP) to the implementation of LEP policies in other programs.<sup>3</sup> Each individual assistance or services program that serves LEP persons should be ensuring meaningful access to language assistance without placing the financial responsibility solely on ORR funds.

As noted above, ORR commends its grantees for their efforts in assisting LEP persons. ORR hopes that its grantees, with years of experience effectively serving refugees and asylees with varying degrees of language skills, will take a leadership role in the assistance to LEP persons within their communities. ORR also wants to encourage grantees to work together and to assist other agencies in ensuring that their programs are in compliance with Title VI as outlined in the Policy Guidance.

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<sup>3</sup> See 45 C.F.R. § 400.13(a)(2000) ("A State must allocate costs, both direct and indirect, appropriately between the Refugee Resettlement Program (RRP) and other programs which it administers."). See also 45 C.F.R. § 400.207 (2000) ("Federal funding is available for reasonable and necessary identifiable administrative costs of providing assistance and services under this part only for those assistance and service programs set forth in §§ 400.203 through 400.205 for which Federal funding is currently made available under the refugee program. A State may claim only those costs that are determined to be reasonable and allowable as defined by the Administration for Children and Families.") and 45 CFR § 400.206.



The Policy Guidance was published in the Federal Register on August 30, 2000.<sup>4</sup>

Please call Anna Marie Bena at (202) 260-5186 if you have questions about any of the information in this State Letter.

Enclosure

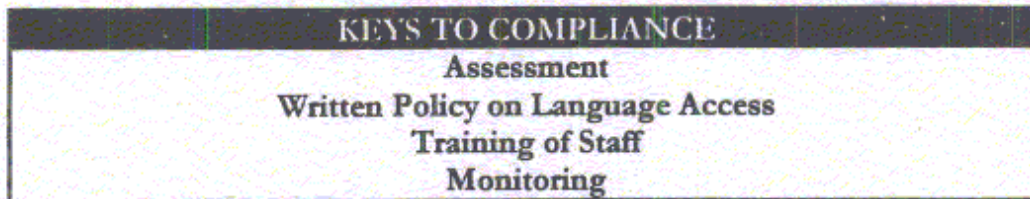
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<sup>4</sup> 65 Fed. Reg. 52,762 (2000)

**Policy Guidance on the Title VI Prohibition Against National Origin Discrimination As It Affects Persons With Limited English Proficiency**

**OVERVIEW FOR OFFICE OF REFUGEE RESETTLEMENT (ORR) GRANTEES  
"Keys to Compliance"**

The key to providing meaningful language access is to ensure that LEP persons and ORR grantees can communicate effectively. ORR grantees must ensure that LEP persons are given adequate information, are able to understand the services and benefits available and are able to communicate their circumstances to grantees. The HHS Office for Civil Rights has found that effective language assistance programs usually contain four elements: (1) assessment (2) written policy (3) staff training and (4) monitoring. The following outline provides a brief overview of the four elements and is meant to act as a guide for ORR grantees in developing their language assistance policies. This outline should not be used as a substitute for a complete review of the Policy Guidance and consultation with the HHS Office for Civil Rights.



- (1) **ASSESSMENT:** ORR grantees should conduct an assessment of the language needs of the population to be served. ORR grantees should:
  - (a) Identify languages likely to be encountered
  - (b) Estimate number of people eligible for services/likely to be affected by program
  - (c) Record languages in case files
  - (d) Establish points of contact in program where language assistance will be needed
  - (e) Identify resources to implement language access programs
  - (f) Make arrangements to access resources
- (2) **WRITTEN POLICY ON LANGUAGE ACCESS:** ORR grantees should develop and implement a comprehensive written policy on language access. The policy should include components concerning assessment, notice of right to assistance, oral assistance, translation of written materials, staff training and monitoring.
  - (a) **Oral Interpretation:** ORR grantees should develop procedures for obtaining and providing trained and competent interpreters to provide services to eligible participants served through ORR grant(s). Steps may include:
    - (i) Hiring bilingual staff
    - (ii) Arranging for interpreters (staff/contract)
    - (iii) Organizing volunteers to provide interpretation

(iv) Contracting with phone interpreter services

(b) **Written Translations:** An effective program ensures that routine written materials (especially "vital" documents: applications, consent forms, letters, notices of reductions and terminations of benefits, notice of free language assistance, outreach) are available in the regularly encountered languages. There must be a plan for written materials when there is a significant number or percentage of the population that is eligible for services and that needs language assistance. The HHS Office for Civil Rights will consider an ORR grantee to be in compliance with its Title VI obligations to provide written materials in non-English languages if (i.e., "safe harbors"):

- (i) The LEP group is 10% or 3000 (whichever is less) of population eligible to be served and the ORR grantee provides translated written documents including vital documents for the group.
- (ii) The LEP group is 5% or 1000 (whichever is less) and the ORR grantee, at a minimum, translates vital documents; other document translations can be oral.
- (iii) The LEP group is less than 100 persons; The ORR grantee does not translate written materials but provides written notice in the primary language of the LEP group of the right to receive oral translation of written materials.

The HHS Office for Civil Rights will review practices on a case-by-case basis and will look at the totality of the circumstances. If requiring written translation of certain documents is so financially burdensome that it defeats the objectives of a program or if there are alternative means of ensuring that LEP persons have meaningful access, the HHS Office for Civil Rights may find exceptions to the above standards and may not find that written translation is necessary for Title VI compliance.

(c) **Notice to LEP persons:** ORR grantees may use, but are not limited to, the following methods to notify LEP persons of their right to language assistance.

- (i) Signs in waiting rooms (right to free translation/interpretation)
- (ii) Translation forms/information documents
- (iii) Language identification cards
- (iv) Procedures for handling inquiries by phone
- (v) Brochures/outreach

(3) **TRAINING STAFF:** Effective training ensures that employees are knowledgeable about LEP policies and procedures. Training should:

- (a) Be part of orientation for new employees
- (b) Occur twice annually for those with client contact
- (c) Be recorded in a training registry

- (4) **MONITORING:** The HHS Office for Civil Rights has found that Title VI compliance is most likely when organizations continuously monitor their programs. Monitoring should:

- (a) Occur annually
- (b) Include feedback from clients/advocates

Please see the Policy Guidance for case scenarios, a Model Plan, promising practices and details about compliance.

## Appendix E

Case #: \_\_\_\_\_

### Release of Information Form Virginia Refugee Resettlement Program

Name of Refugee: \_\_\_\_\_ Alien number: \_\_\_\_\_

**I authorize these organizations and individuals:**

- |   |  |
|---|--|
| • Refugee Resettlement Organizations        | • Property Managers/Landlords            |
| • Immigration and Naturalization Services   | • Virginia Housing Development Authority |
| • Employers                                 | • Public Service Agencies                |
| • Physicians and Other Medical Institutions | • Social Security Administration         |
| • Law Enforcement Officers                  | • Financial Institutions                 |
| • Schools, Colleges, and Universities       | • Health Insurance Company               |
| • Mutual Assistance Associations            | • Area Agencies on Aging                 |

**to provide information to these refugee service agencies/organizations:**

- |   |   |
|---|---|
| • Eligibility Workers                     | • Catholic Charities (only when holding custody of refugee) |
| • Office of Newcomer Services             | • Foster Care Agency (providing care to refugee)            |
| • Division of Adult & Family and Services |   |
| • Local Department of Social Services     |   |

**including the following records:**

- |                                 |   |
|---------------------------------|---|
| • Family History                | • Benefit/Services Needed, Planned, and/or received |
| • Employment/Unemployment       | • Financial Information                             |
| • Education Reports             | • Criminal Justice Records                          |
| • Alcohol/Drug Treatment        | • Other: _____                                      |
| • Mental Health Records         |   |
| • Medical/Psychiatric Treatment |   |

**I understand and agree that:**

- The individuals and organizations listed above may share information about me and my family.
- The information shared will only be used to help me receive services and benefits that will help me to achieve self-sufficiency.
- This form and my permission for these agencies to share information will expire in one year.
- I can cancel this at any time.
- Any information shared must be kept confidential unless I give written permission to release it to someone else.
- I have not been forced to sign this form.

Signature of Refugee: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Case Worker: \_\_\_\_\_ Date: \_\_\_\_\_



## Appendix F

### Federal Policy Guidance Regarding Inquiries into Citizenship, Immigration Status, and Social Security Numbers

The following is a summary in table form of a guidance issued by the U.S. Department of Health & Human Services and the U.S. Department of Agriculture outlining when it is appropriate to ask about someone's citizenship and immigration status and/or request their Social Security Number. For more detailed information, consult the following: <http://www.hhs.gov/ocr/immigration/triagency.html>

PROGRAM	IMMIGRATION STATUS QUESTIONS	SOCIAL SECURITY NUMBER QUESTIONS	COMMENTS
<b>EMERGENCY MEDICAID</b>	No proof of immigration status required	States may not require SSN	If the state form asks for an SSN, it must also inform the applicant that providing an SSN is voluntary and explain how it will be used. States cannot deny benefits if the applicant does not provide an SSN.
<b>NON-EMERGENCY MEDICAID</b> (including Medicaid expansion under SCHIP)	Required only for persons seeking benefits	Required only for person seeking benefits	States must assist individuals in applying for SSNs.
<b>SCHIP</b> (separate State Children's Health Insurance Programs)	Required only for persons seeking benefits	States may not require SSN	If the state form asks for an SSN, it must also inform the applicant that providing an SSN is voluntary and explain how it will be used. States cannot deny benefits if the applicant does not provide an SSN.
<b>FOOD STAMPS</b>	Required for persons seeking benefits	Required for persons seeking benefits	States are encouraged to allow household members who are not seeking benefits to identify as "non-applicants" early in the process. Benefits cannot be denied to eligible persons based on a household member's choice not to disclose immigration status or SSN.
<b>TANF</b> (Temporary Assistance to Needy Families)	Required for persons seeking benefits	Required for persons seeking benefits	States may allow ineligible family members to designate themselves as "non-applicants" on the initial application form. States must assist individuals in applying for SSNs.

*Table courtesy of the National Immigration Law Center. Used with permission.*

### *Virginia Refugee Service Providers*

#### **NORTHERN REGION**

##### **Alexandria Office of Employment Training**

Address: 2034 Eisenhower Ave., Suite 140  
Alexandria, VA 22314  
Contact: Joe Stevens, Director; Rahim Aziz  
Phone: (703) 838-4479  
Fax: (703) 548-0483  
E-mail: [jks510@northern.dss.state.va.us](mailto:jks510@northern.dss.state.va.us)  
Primary Areas Served: City of Alexandria

##### **Arlington Employment Center**

Address: 3033 Wilson Blvd., Suite 400B  
Arlington, VA 22201  
Contact: Christine Harrison, Program  
Planner  
Phone: (703) 228-1406  
Fax: (703) 228-1044  
E-mail: [Charri@co.arlington.va.us](mailto:Charri@co.arlington.va.us)  
Primary Areas Served: Arlington

##### **Catholic Diocese of Arlington Refugee Services**

Address: 80 North Glebe Road  
Arlington, VA 22203  
Contact: Seyoum Berhe, Resettlement  
Director  
Phone: (703) 524-2289  
Fax: (703) 524-2741  
E-mail: [Refugee.arl@erols.com](mailto:Refugee.arl@erols.com)  
Primary Areas Served: Arlington

##### **Ethiopian Community Development Council, Inc.**

Address: 1038 S. Highland Street  
Arlington, VA 22204  
Contact: Tsehay Teferre, Executive  
Director; Jeilani Hussein  
Phone: (703) 685-0510  
Fax: (703) 685-0529  
E-mail: [ecdc@erols.com](mailto:ecdc@erols.com)  
Primary Areas Served: Arlington

##### **International Rescue Committee**

Address: 109 E. Jefferson St.  
Charlottesville, VA 22902  
Contact: Susan Donovan, Director  
Phone: (434) 979-7772  
Fax: (434) 979-8161  
E-mail: [susan@cville.intrescom.org](mailto:susan@cville.intrescom.org)  
Primary Areas Served: Charlottesville &  
surrounding counties

##### **Lutheran Social Services**

Address: 7401 Leesburg Pike  
Falls Church, VA 22043  
Contact: Ruth Anne Dawson, Director  
Phone: (703) 698-5026  
Fax: (703) 698-7121  
E-mail: [lssrefuge@aol.com](mailto:lssrefuge@aol.com)  
Primary Areas Served: Fairfax County

##### **Virginia Council of Churches Refugee Resettlement Program**

Address: 281 E. Market St.,  
Harrisonburg, VA 22801  
Contact: Viktor Sokolyuk, Program  
Coordinator  
Phone: (540) 433-7942  
Fax: (540) 432-0238  
E-mail: [vccrrp@aol.com](mailto:vccrrp@aol.com)  
Primary Areas Served: City of Harrisonburg  
and surrounding counties

##### **Virginia Council of Churches Refugee Resettlement Program**

Address: 8800 Sudley Rd.  
Manassas, VA 22110  
Contact: Carolyn Monroe  
Phone: (703) 369-6101  
Fax: (703) 335-6782  
E-mail: [vccrrpmans@aol.com](mailto:vccrrpmans@aol.com)  
Primary Areas Served: City of Manassas  
and surrounding area

## **CENTRAL REGION**

### **Refugee and Immigration Services**

Address: 811 Cathedral Place, Suite E  
Richmond, VA 23220-4801  
Contact: Marilyn Breslow, Executive Director  
Phone: (804) 355-4559  
Fax: (804) 355-4697  
E-mail: [mbreslow@richmonddiocese.org](mailto:mbreslow@richmonddiocese.org)  
Primary Areas Served: Greater Richmond  
Area

### **Virginia Council of Churches Refugee Resettlement Program**

Address: 1214 W. Graham Road Suite 3  
Richmond, VA 23220  
Contact: Richard Cline  
Phone: (804) 321-3305  
Fax: (804) 321-8427  
E-mail: [vccrefuge@aol.com](mailto:vccrefuge@aol.com)  
Primary Areas Served: Greater Richmond  
Area

## **EASTERN REGION**

### **Hampton Roads Refugee and Immigration Services**

Address: 1615 Kecoughtan Road  
Hampton Roads, VA 23661  
Contact: Karen Kurilko  
Phone: (757) 247-3600  
Fax: (757) 247-1070  
E-mail: [refugees@hrris.org](mailto:refugees@hrris.org)  
Primary Areas Served: Tidewater Area

### **Virginia Council of Churches Refugee Resettlement Program**

Address: 409 First Colonial Road  
Virginia Beach, VA 23454  
Contact: Ed Haurand, Program Coordinator  
Phone: (757) 437-7270  
Fax: (757) 437-7266  
E-mail: [vccrefugeevabch@aol.com](mailto:vccrefugeevabch@aol.com)  
Primary Areas Served: Tidewater Area

## **WESTERN REGION**

### **Refugee and Immigration Services**

Address: 1106 Ninth Street, SE  
Roanoke, VA 24013  
Contact: Barbara Smith  
Phone: (540) 342-7561  
Fax: (540) 344-7513  
E-mail: [barbara@Refimm.RoaCoxMail.com](mailto:barbara@Refimm.RoaCoxMail.com)  
Primary Areas Served: Greater Roanoke  
and Lynchburg

## **PIEDMONT REGION**

*\*For refugees in the Piedmont region contact:*

### **Office of Newcomer Services**

Address: 730 East Broad Street  
Richmond, VA 23219  
Contact: Kathy Cooper, State Refugee  
Coordinator  
Phone: (804) 692-1206  
Fax: (804) 692-1699  
E-mail: [kqc2@email1.dss.state.va.us](mailto:kqc2@email1.dss.state.va.us)



## ***Other Contact Information***

### **Immigration and Naturalization Service – Washington District Office**

Mailing Address: USINS Washington District  
Office  
4420 N. Fairfax Drive  
Arlington, VA 22203

Street Address:  
USINS Washington District Office  
4420 N. Fairfax Drive  
Arlington, VA 22203

Phone: Call the [National Customer Service Center](#) at 1-800-375-5283.

**Directions:**

**By Bus:** Numerous bus routes connect to Metro rail stations or to the Ballston Metro Rail Station. Call Metro at (202) 637-7000 for more information.

**By Train:** Amtrak goes to train stations in Alexandria, Virginia and Washington, DC (Union Station). Call Amtrak at 1(800) 872-7245 for more information. From the train stations you can take the subway (Metro) to the Ballston Metro stop on the Orange Line. Call Metro at (202) 637-7000 for more information.

**By Car (from Interstate 66):** If traveling West on I-66, exit at Glebe Road, and turn South onto Glebe Road. At the third traffic light, turn left onto Fairfax Drive. The District Office is immediately on your right. If traveling East on I-66, take the Glebe Road Exit onto Fairfax Drive. The District Office is on your right immediately after crossing Glebe Road.

**Areas Served:** District of Columbia and the Commonwealth of Virginia. This office is responsible for processing most immigration benefit applications (such as legal residence and naturalization), and enforcing US immigration law, for the entire state of Virginia and the District of Columbia.

### **INS Field Office – Norfolk (Sub-Office of the Washington, DC District)**

Mailing Address: USINS Norfolk Sub Office  
5280 Henneman Drive  
Norfolk, VA 23513

Street Address: USINS Norfolk Sub Office  
5280 Henneman Drive  
Norfolk, VA 23513

Phone: Call the [National Customer Service Center](#) at 1-800-375-5283.

**Directions:**

**By Car:** The office is located w/in 3 mi. of Norfolk Intl. Airport.

**From Washington D.C.:** Take I-95 South (towards Richmond) to I-64 East towards Norfolk/Virginia Beach. Exit off of I-64 at Exit 281A (Robin Hood Road). At the bottom of the exit ramp is a traffic light, go straight through the traffic light onto Almeda Avenue. Make a right turn onto the first street (Henneman Drive). The office is 0.4 of a mile on the right. **From the Monitor Merrimac Bridge Tunnel:** Take I-664 to I-64 Exit 15B (Chesapeake/Virginia Beach). Follow I-64W to Exit 281 Route 165-Military Highway. At the bottom of the exit ramp is a traffic light, make a left turn at the light onto Robin Hood Road. Stay on Robin Hood Road through a traffic light, under an overpass and make a left turn onto Almeda Avenue. Make a right turn onto the first street (Henneman Dr.) The office is 0.4 of a mile on the right.

**Areas Served:** This office provides services for immigration-related matters for the residents of southeastern Virginia. This includes the cities and/or counties of Chesapeake, Fredericksburg, Richmond, Prince Edwards, Rockville, Williamsburg, the Hampton Roads Area, Accomack, and Mecklenburg.

## ELIGIBILITY TIMELINE

<b><i>Arrival Month</i></b> <i>(Any day that falls within the month below)</i>	<b><i>Last Month Eligible</i></b> <i>(Eligibility ends on the last day of the month)</i>
October 2001	May 2002
November 2001	June 2002
December 2001	July 2002
January 2002	August 2002
February 2002	September 2002
March 2002	October 2002
April 2002	November 2002
May 2002	December 2002
June 2002	January 2003
July 2002	February 2003
August 2002	March 2003
September 2002	April 2003
October 2002	May 2003
November 2002	June 2003
December 2002	July 2003
January 2003	August 2003
February 2003	September 2003
March 2003	October 2003
April 2003	November 2003
May 2003	December 2003
June 2003	January 2004
July 2003	February 2004
August 2003	March 2004
September 2003	April 2004



## DEPARTMENT OF HEALTH &amp; HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES  
370 L'Enfant Promenade, S.W.  
Washington, D.C. 20447

## ORR State Letter

# 01 - 27

October 2, 2001

TO : STATE REFUGEE COORDINATORS

FROM : *for* Carmel Clay-Thompson  
Acting Director  
Office of Refugee Resettlement *Marta Brender*

SUBJECT : Policy Issuance: Re-classification to Unaccompanied Minor Program

Over the past year, several thousand youth from the Kakuma refugee camp in Kenya have arrived in the U.S. under the U.S. refugee resettlement program. Nearly five hundred of these youth—under age 18 at the time of arrival in the U.S.—were resettled through the Unaccompanied Refugee Minor (URM) program. The remainder—about 3,500—were resettled in the U.S. under the regular refugee program.

The youths in the URM program are eligible for a wide range of benefits and services until age 18, or a higher age established by the State of resettlement in its child welfare plan under Part IV-B of the Social Security Act for the availability of child welfare services. Most of the States with URM affiliates sites allow youth to continue their education for a year or more after age 18. The youths over age 18 at the time of arrival, on the other hand, face the need for immediate employment and early self-sufficiency and, therefore, more limited opportunities for educational advancement.

The sharp division of the youths into two separate programs opens an issue about the accuracy of the dates of birth for these children. Some evidence suggests that the accuracy of these dates may be very low. Of the 90 youths recorded in the ORR database before the end of calendar year 2000, 89 recorded a birth date of January 1. These dates of birth apparently were chosen based on the best estimates of staff of the United Nations High Commissioner for Refugees (UNHCR).

Over the past several months, several States have requested that ORR reclassify youths as unaccompanied minors based on documentation that has surfaced since their arrival in the U.S. In order to provide for an equitable process of re-determining age eligibility for the URM

program, ORR is establishing a formal policy regarding the submission of such documents. Beginning immediately, a request for re-classification to unaccompanied minor status based on a re-determination of age must be accompanied by as much of the following documentation as the local agency can obtain:

- An affidavit from the youth as to how old he is and why he believes that he is that age.
- An explanation from the youth or from knowledgeable other persons relating how the incorrect birth date was recorded in official records and by whom.
- An explanation from the youth or other persons of how the alternative birth date was derived.
- Where alternative documentation emerges which indicates that the affiant is younger than the age documented in INS records, an explanation of who obtained the alternative documentation (such as a birth certificate), the official authority from which it was obtained, and the line of custody of the alternative documentation since that time.
- An explanation of why the youth did not use the alternative documentation to correct official records in the Kakuma camp, if it was available at the time.
- A statement from the program director or the caseworker as to the general appearance of the youth and the opinions of staff, volunteers, and other youth as to his actual age, based on an assessment of the youth's emotional and physical development.
- The professional opinion of a doctor, dentist, or other health professional in support of the youth's claim based on objective medical findings, such as dental exams, wrist x-rays or bone scans.
- Where appropriate, a photocopy of the discovered birth document and a description from agency staff describing the appearance and credibility of the document.

With these documents, the Director will determine whether the preponderance of evidence merits a change in date of birth and re-classification to unaccompanied minor status.

If you have any questions or comments, please contact Loren Bussert of my staff by telephone at (202) 401-4732, by E-mail at [LBUSSERT@ACF.DHHS.GOV](mailto:LBUSSERT@ACF.DHHS.GOV), or by fax at (202) 401-4587.



## DEPARTMENT OF HEALTH &amp; HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES  
370 L'Enfant Promenade, S.W.  
Washington, D.C. 20447

**ORR State Letter**

# 02-03

Date: January 24, 2002

OMB Control No: 0970-0231  
Expiration Date: 06/30/2002

TO: STATE REFUGEE COORDINATORS  
NATIONAL VOLUNTARY AGENCIES  
OTHER INTERESTED PARTIES

FROM: Nguyen Van Hanh, Ph.D., Director  
Office of Refugee Resettlement

**RECEIVED**  
FEB 01 2002

SUBJECT: Release of Individuals Previously Held in "Indefinite Detention"

**BACKGROUND**

On June 28, 2001, the U.S. Supreme Court issued its decision in *Zadvydas v. Davis*.<sup>1</sup> The case concerned "indefinite detainees" or "lifers", which are terms used to refer to non-citizens who, after having served time for a criminal conviction and being given a final order of removal by the Immigration and Naturalization Service (INS), remain indefinitely in detention in the U.S. because their home country and no other countries will accept them. In *Zadvydas* the Supreme Court held that the law limits an "alien's detention to a period reasonably necessary to bring about that alien's removal from the United States, and does not permit indefinite detention." Shortly after the Supreme Court decision, Attorney General John Ashcroft ordered the INS to begin looking into the release of certain indefinite detainees. Some of these individuals already have been released from detention.

**EFFECT ON AGENCIES PROVIDING ORR-FUNDED BENEFITS**

In a number of cases, aliens with final orders of removal originally came to the U.S. as refugees or had another status that made them eligible for ORR-funded benefits and services.<sup>2</sup> These individuals, upon release from detention, may come to benefit-granting agencies for assistance. Prior to providing benefits or services, agencies must determine status, identity, the date an individual

<sup>1</sup> 533 U.S. 678 (2001).

<sup>2</sup> Individuals with the following statuses are eligible for ORR-funded benefits (see 45 CFR §400.43 and ORR State Letters 00-17 and 01-13): (1) refugees under § 207 of the Immigration and Nationality Act (INA), (2) asylees whose status was granted under § 208 of the INA, (3) Cuban and Haitian entrants, in accordance with the requirements in 45 CFR part 401, (4) certain Amerasians from Vietnam and (5) victims of severe forms of trafficking.

initially became eligible for benefits (i.e., entry date) and, in certain cases, nationality. ORR anticipates that benefit-granting agencies will encounter problems in making these determinations for recently released detainees. First, while they have been convicted of a crime that triggers a final order of removal, some of these individuals may remain eligible for ORR-funded benefits. This complicated determination, which will differ depending on the individual's original status<sup>3</sup>, cannot be made easily by eligibility workers through their normal procedures. Second, these individuals most likely will not have documentation of their original status. Also, the INS Systematic Alien Verification for Entitlements (SAVE) system will not be able to provide the needed eligibility information, such as status or entry date, through primary verification. Secondary verification may be able to provide some of the needed information but most likely it will not have all of the needed information and the information will not arrive in a timely manner. Finally, agencies should note that many of these individuals will no longer be eligible for benefits because their eligibility periods may have expired during their incarceration. ORR has developed this State Letter to assist agencies with these difficult determinations.

### **PROCESS FOR DETERMINING STATUS**

ORR recognizes that the above mentioned information is complicated and, as noted in the previous section, agencies may be unable to make eligibility determinations because of a lack of documentation and information in the SAVE system. Therefore, ORR has developed a process with the INS so that benefit-granting agencies, instead of conducting a SAVE query or basing an eligibility determination solely on documentation, may send information about the applicant to ORR. ORR then will work with the INS to determine the applicant's original status, entry date and eligibility and will relay this information to the benefit-granting agency.

Agencies should use the following process ONLY for determining the status of individuals who have received a final order of removal but who have been released from detention because they cannot be removed to their home country or to any other country. Individuals whose eligibility determination should be done through this process may present the eligibility worker with an Order of Supervision, which is INS Form I-220B. The Order of Supervision should include the individual's alien registration number and a notation concerning exclusion, deportation or removal. These individuals also may have an employment authorization document (most likely the INS Form I-688B) showing § 274a.12(c)(18) as the provision of law.

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<sup>3</sup> Information about termination of status for the various ORR-eligible populations may be found throughout the Immigration and Nationality Act (INA) and the Code of Federal Regulations (CFR). For information about refugees, please see INA § 207(c)(4) and 8 CFR § 207.9. For information about asylees, please see INA § 208(c)(2) and 8 CFR § 208.24. For information about Cuban and Haitian entrants, please see the Refugee Education Assistance Act and ORR State Letter 01-22. Amerasians enter the U.S. as lawful permanent residents and information about their status may be found at 8 CFR § 1.1(p). Victims of severe forms of trafficking are not eligible for benefits based on their immigration status but on their certification or recognition from the U.S. Department of Health and Human Services. Information about certification of adult trafficking victims and recognition of minor trafficking victims for benefits purposes can be found in the Trafficking Victims Protection Act and in ORR State Letter 01-13.

## Appendix J

### **Agencies should follow these steps for determining eligibility for these applicants:**

- (1) Gather as much of the following information as possible from the applicant:
  - a. Name
  - b. Alien registration number ("A number")
  - c. Date of birth
  - d. Social security number
  - e. Home country
  - f. Number on the I-94 card
  - g. Parents' names
  - h. Driver's license number
  - i. **Copies of any immigration documents**
- (2) Call or email AnnaMarie Bena at 202-260-5186 or [abena@acf.dhhs.gov](mailto:abena@acf.dhhs.gov) or Pamela Green-Smith at 202-401-4531 or [pgreensmith@acf.dhhs.gov](mailto:pgreensmith@acf.dhhs.gov) to inform them about the need for an eligibility determination for an indefinite detainee.
- (3) Send a fax with the information that was collected from the applicant to AnnaMarie Bena or Pamela Green-Smith at 202-401-0981 or 202-401-5487. Include contact information for the individual that is handling the case at the benefit-granting agency.

After this information has been submitted to the INS, ORR may contact the benefit-granting agency for additional information. ORR will notify agencies of status, entry date and eligibility by a fax, which should be kept in the applicant's file.

### **PUBLIC BURDEN STATEMENT UNDER THE PAPERWORK REDUCTION ACT**

Public reporting burden for this collection of information is estimated to average .25 hours per response, including the time for reviewing the instructions, gathering and maintaining the data needed, and reviewing the collection of information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.